

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ILYA TYLER,

Defendant.

Case No. 19-20045-JAR-1

ORDER

Defendant Ilya Tyler pleaded guilty to possession with intent to distribute more than fifty grams of methamphetamine and was sentenced to 188 months' imprisonment. This matter is now before the Court on Defendant's Motion to Reduce Sentence (Doc. 63) and Motion to Appoint Counsel (Doc. 64). 18 U.S.C. § 3621(e) permits the Bureau of Prisons ("BOP") to reduce an inmate's sentence by up to one year if he was convicted of a nonviolent offense and has successfully completed the Residential Drug Abuse Program ("RDAP"). Defendant states that his BOP counselor has advised him that he may be ineligible for a one-year reduction in sentence for his participation in RDAP because of a 1995 gun charge, and he asks this Court to assist him to "get this gun situation lifted."¹

Because Defendant's request involves a complaint about the nature of his confinement, it must be brought pursuant to a petition filed under 28 U.S.C. § 2241 in the district where Defendant is confined.² To the extent Defendant wishes to challenge any BOP determination

¹ Doc. 63; *see* Doc. 42 ¶ 31 (calculating Defendant's criminal history, including a 1995 conviction for carrying a handgun without a license).

² *See Cantrall v. Chester*, 454 F. App'x 679, 689 (10th Cir. 2012) (discussing § 2241 petitioner's failure to exhaust the BOP's administrative remedies challenging denial of a sentence reduction after completing RDAP); *Wilson v. Kastner*, 385 F. App'x 855, 856 n.2 (10th Cir. 2010) (explaining similar complaints challenging an RDAP

regarding an RDAP-related reduction in sentence, he must file a § 2241 petition after exhausting his administrative remedies with the BOP. Accordingly, this Court lacks the authority to rule on Defendant's request and his motion is **dismissed**. Defendant's request for appointment of counsel is **denied**.

IT IS SO ORDERED.

Dated: December 23, 2021

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE

eligibility determination are appropriately brought under § 2241). Defendant is currently confined at FCI Elkton in the Northern District of Ohio.